

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:08-cr-069

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

DAVID E. JONES, JR.,

Defendant.

:

REPORT AND RECOMMENDATIONS

This case is before the Court on the Joint Motion of the United States and the Defendant to reduce Defendant's sentence pursuant to the First Step Act, Pub. L. No. 115-39 (ECF No. 90). As with all First Step Act matters, it has been automatically referred to the undersigned under General Order Day 13-01.

Because the parties agree that Defendant is entitled to the relief granted by the First Step Act, it is respectfully recommended that the Court vacate Defendant's sentence and re-sentence him in accordance with the current Sentencing Guidelines, after a revised presentence investigation report, if the Court deems such a report necessary or useful.

Because this Report is being rendered on a Joint Motion, the parties may wish to jointly waive their respective rights to object. Such a waiver should be in writing and filed with the Clerk.

May 30, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).